

CENTRAL EUROPEAN INITIATIVE. INSTRUMENT FOR THE PROTECTION OF MINORITY RIGHTS

The Member States of the Central European Initiative signatory hereto,

recognizing that the questions relating to national minorities can only be resolved satisfactorily in a truly democratic political framework which is based on the rule of law and guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens,

reaffirming that the protection of national minorities concerns only citizens of the respective state, who will enjoy the same rights and have the same duties of citizenship as the rest of the population,

convinced that national minorities form an integral part of the society of the States in which they live and that they are a factor of enrichment of each respective State and society,

bearing in mind that a very effective remedy to achieve stability in the region are good relations between neighbours, and being conscious of the need to avoid any encouragement of separatist tendencies of national minorities in the region,

confirming that issues concerning the rights of persons belonging to national minorities are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective State,

considering that respect for the rights of persons belonging to national minorities, as part of universally recognized human rights, is an essential factor for peace, justice, stability and democracy in the States,

convinced that the international protection of the rights of persons belonging to national minorities, as enshrined in the present Instrument, does not permit any activity, which is contrary to the fundamental principles of international law and in particular of sovereignty, territorial integrity and political independence of States,

recognizing the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities, and that such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice,

expressing their condemnation of aggressive nationalism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against any person or group and of persecution on religious ideological grounds

have agreed as follows:

Article 1

States recognize the existence of national minorities as such, considering them integral parts of the society in which they live and guarantee the appropriate conditions for the promotion of their identity.

For the purpose of this Instrument the term "national minority" shall mean a group that is smaller in number than the rest of the population of a State, whose members being nationals of that State, have ethnical, religious or linguistic features different from those of the rest of the population, and are guided by the will to safeguard their culture, traditions, religion and language.

Article 2

To belong to a national minority is a matter of free individual choice and no disadvantage shall arise from the exercise or non-exercise of such a choice.

Article 3

States recognize that persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms, individually or in common with others, without any discrimination and in full equality before the law. Those persons shall be able to enjoy the rights foreseen by the present Instrument individually or in common with others and to benefit from the measures ensuring those rights.

Article 4

States guarantee the right of persons belonging to national minorities to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspect.

Article 5

The adoption of special measures in favour of persons belonging to national minorities aimed at promoting equality between them and the rest of the population or taking due account of their specific conditions shall not be considered as an act of discrimination.

Article 6

States shall take effective measures to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-Semitism.

Article 7

States recognize the particular problems of Roma (gypsies). They undertake to adopt all the legal administrative or educational measures as foreseen in the present Instrument in order to preserve and to develop the identity of Roma, to facilitate by specific measures the social integration of persons belonging to Roma (gypsies) and to eliminate all forms of intolerance against such persons.

Article 8

Without prejudice to democratic principles, States, taking measures in pursuance of their general integration policy, shall refrain from pursuing or encouraging policies aimed at the assimilation of persons belonging to national minorities against their will and shall protect these persons against any action aimed at such assimilation.

Article 9

In case of modification of administrative, judicial or electoral subdivisions States should take into account that such modifications, among other criteria, will respect the existing rights of the persons belonging to national minorities and the exercise of those rights. In any case, they should consult, according to national legislation, with the populations directly affected before adopting any modification in the matter.

Article 10

Any person belonging to a national minority shall have the right to use his or her language freely, in public as well as in private, orally and in writing.

Article 11

Any person belonging to a national minority shall have the right to use his or her surname and first names in his or her language and the right to official acceptance and registration of such surname and names.

Article 12

Whenever in an area the number of persons belonging to a national minority reaches, according to the latest census or other methods of ascertaining its consistency, a significant level, those persons shall have the right, wherever possible, to use, in conformity with applicable national legislation, their own language in oral and in written form, in their contacts with the public authorities of the said area. These authorities may reply as far as possible, in the same language.

Article 13

In conformity with their national legislation States may allow, where necessary through bilateral agreements with other interested States, in particular with neighbouring States, the display of bilingual or plurilingual local names, street names and other topographical indications in areas where the number of persons belonging to a national minority reaches, according to the latest census or other methods of ascertaining its consistency, a significant level. The display of signs, inscriptions or other similar information of private nature also in the minority language should not be subject to specific restrictions, other than those generally applied in this field.

Article 14

Any person belonging to a national minority, exercising religious freedom, shall have the right to use his or her own language in worship, teaching, religious practice or observance.

Article 15

Whenever the number of persons belonging to a national minority reaches, according to the latest census or other methods of ascertaining its consistency, the majority of the population an area, States will promote the knowledge of the minority language among officers of the local and decentralized state administrative offices. Endeavours should be made to recruit, if possible, officers, who, in addition to the knowledge of the official language, have sufficient knowledge of the minority language.

Article 16

States recognize the right of persons belonging to national minorities to establish and maintain their own cultural and religious institutions, organizations or associations, which are entitled to seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation.

Article 17

States recognize the right of persons belonging to a national minority to establish and maintain their own private pre-schools, schools and establishments and possibly obtain their recognition in conformity with the relevant national legislation. Such establishments may seek public financing or other contributions.

Article 18

Notwithstanding the need to learn the official language of the State concerned, every person belonging to a national minority shall have the right to learn his or her own language and receive an education in his or her own language. The States shall endeavour to ensure the appropriate types and levels of public education in conformity with national legislation, whenever in an area the number of persons belonging to a national minority, according to the latest census or other methods of ascertaining its consistency, is at a significant level. In the context of the teaching of history and culture in such public educational establishments, adequate teaching of history and culture of the national minorities should be ensured.

Article 19

States guarantee the right of persons belonging to a national minority to avail themselves of the media in their own language, in conformity with relevant State regulations and with possible financial assistance. In case of TV and radio in public ownership, the States will assure, whenever appropriate and possible, that persons belonging to national minorities have the right of free access to such media including the production of such programmes in their own language.

Article 20

States shall guarantee the right of persons belonging to national minorities to participate without discrimination in the political, economic, social and cultural life of the society of the State of which they are citizens and shall promote the conditions for exercising those rights.

Article 21

States shall allow persons belonging to a national minority to establish political parties.

Article 22

In accordance with the policies of the States concerned, States will respect the right of persons belonging to national minorities to effective participation in public affairs, in particular in the decision-making process on matters affecting them. Therefore, States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by adopting appropriate measures corresponding to the specific circumstances of such minorities as foreseen in the CSCE documents.

Article 23

Every person belonging to a national minority, while duly respecting the territorial integrity of the State, shall have the right to have free and unimpeded contacts with the citizens of another country with whom this minority shares ethnic, religious or linguistic features or a cultural identity. States shall not unduly restrict the free exercise of those rights. Furthermore States will encourage transfrontier arrangements at national, regional and local levels.

Article 24

Any person belonging to a national minority shall have an effective remedy before a national judicial authority against any violation of rights set forth in the present Instrument, provided that those rights are enacted in national legislation.

Article 25

In any area where those who belong to a national minority represent the majority of the population, States shall take the necessary measures to ensure that those who do not belong to this minority shall not suffer from any disadvantage, including such that may result from the implementation of the measures of protection foreseen by the present Instrument.

Article 26

None of these commitments shall be interpreted as implying any right to engage in any activity in contravention of the fundamental principles of international law and, in particular, of the sovereign equality, territorial integrity and political independence of States. Nothing in the present Instrument shall affect the duties related to persons belonging to national minorities as citizens of the States concerned.

Persons belonging to national minorities will also respect, in the exercise of their rights, the rights of others, including those of persons belonging to the majority population of the respective State or to other national minorities.

Article 27

This Instrument shall not prejudice the provisions of domestic law or any international agreement which provide greater protection for national minorities or persons belonging to them.

Torino, 15th November 1994

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